

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Terrance Dwayne Winborn,

Case No. 22-cv-1811 (KMM/ECW)

Plaintiff,

vs.

Kathy Blair Brakefield, acting in her individual capacity as a correctional officer at the Scott County Jail; Paige Pieschke, acting in her individual capacity as correctional officer at the Scott County Jail; Debra Schneider, acting in her individual capacity as medical staff in the Scott County Jail; Scott Rettke, in his official capacity as the Assistant Jail Administrator at the Scott County Jail; Douglas Schnurr, in his official capacity as the Jail Administrator at the Scott County Jail; and Scott County,

Defendants.

**DECLARATION OF
KATHRYN H. BENNETT
IN SUPPORT OF
PLAINTIFF'S MOTION FOR
SPOILIATION SANCTIONS**

I, Kathryn H. Bennett, declare as follows:

1. I am one of the attorneys for Plaintiff Terrance Dwayne Winborn in the above-captioned matter and make this Declaration in support of Plaintiff's Motion for Spoliation Sanctions.

2. Attached hereto as Exhibit A is a true and accurate copy of Deposition Exhibit 8 – Plaintiff Terrance Winborn's medical file from the Scott County Jail.

3. Attached hereto as Exhibit B is a true and accurate copy of Kathryn Blair Brakefield's deposition transcript in the above-captioned matter.

4. Attached hereto as Exhibit C is a true and accurate copy of Deposition Exhibit 11 – Scott County Jail’s supplemental reports for Plaintiff Terrance Winborn.

5. Attached hereto as Exhibit D is a true and accurate copy of Deposition Exhibit 6 – Scott County Jail’s Sergeant Shift Reports.

6. Attached hereto as Exhibit E is a true and accurate copy of Gerardo Cerda’s deposition transcript in the above-captioned matter.

7. Attached hereto as Exhibit F is a true and accurate copy of Debra Schneider’s deposition transcript in the above-captioned matter.

8. Attached hereto as Exhibit G is a true and accurate copy of Deposition Exhibit 59 – an email containing a portion of an instant message chain between Scott County Jail correctional officers on August 28, 2020.

9. Attached hereto as Exhibit H is a true and accurate copy of Deposition Exhibit 58 - Defendant Debra Schneider’s email messages.

10. Attached hereto as Exhibit I is a true and accurate copy of Deposition Exhibit 12A - selections from Plaintiff Terrance Winborn’s St. Francis Hospital records.

11. Attached hereto as Exhibit J is a true and accurate copy of Deposition Exhibit 19 - Sergeant Emails regarding Plaintiff Terrance Winborn’s hospital transport and security on August 28, 2020.

12. Attached hereto as Exhibit K is a true and accurate copy of Douglas Schnurr’s deposition transcript in the above-captioned matter.

13. Attached hereto as Exhibit L is a true and accurate copy of Deposition Exhibit 63 - Sergeant Emails regarding Plaintiff Terrance Winborn's hospitalization and medical condition.

14. Attached hereto as Exhibit M is a true and accurate copy of Scott Rettke's deposition transcript in the above-captioned matter.

15. Attached hereto as Exhibit N is a true and accurate copy of Paige Pieschke's deposition transcript in the above-captioned matter.

16. Attached hereto as Exhibit O is a true and accurate copy of Marco Technologies Inc.'s Federal Rule of Civil Procedure 30(b)(6) deposition transcript in the above-captioned matter.

17. Attached hereto as Exhibit P is a true and accurate copy of Jennifer Pfeifer's deposition transcript in the above-captioned matter.

18. Attached hereto as Exhibit Q are true and accurate copies of Deposition Exhibits 36 and 64 through 66 – a compilation of Scott County Jail Special Incident Reports of “unusual occurrences” under Chapter 2911.3700 of the Minnesota Administrative Rules.

19. Attached hereto as Exhibit R are true and accurate copies of Deposition Exhibits 30, 39, 40, and 68 – Minnesota Department of Corrections Facility Inspection Reports for Scott County Jail.

20. Attached hereto as Exhibit S is a true and accurate copy of Deposition Exhibit 41 – Minnesota Department of Corrections investigations finding Scott County Jail noncompliant with well-being check rules and policies.

21. Attached hereto as Exhibit T is a true and accurate copy of Deposition Exhibit 5 – Scott County Jail’s well-being check log for Plaintiff Terrance Winborn.

22. Attached hereto as Exhibit U are true and accurate copies of Deposition Exhibits 31 and 69 – Scott County Jail’s August 2022 Special Incident Reports to the Minnesota Department of Corrections regarding Plaintiff Terrance Winborn.

23. Attached hereto as Exhibit V are true and accurate copies of Deposition Exhibits 34 and 35 – Scott County Jail Special Incident Reports under Chapter 2911.3700, subp. 4(E) for inmates transferred to hospital for serious illnesses on April 30, 2020, and October 4, 2020.

24. Attached hereto as Exhibit W is a true and accurate copy of Laura Perkins’ deposition transcript in the above-captioned matter.

25. Attached hereto as Exhibit X is a true and accurate copy of Stephen Demeule’s deposition transcript in the above-captioned matter.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 30, 2023.

s/ Kathryn H. Bennett

Kathryn H. Bennett